REMARKS

By the foregoing Amendment, Applicant has provided headings throughout the Specification and made other corrections as required in the previous Office Action. Additionally, the Abstract has been written to read "ABSTRACT" and accordingly the objections to the Abstract and Specification are deemed moot by the foregoing Amendment.

With regard to Applicant's Claim for Foreign Priority, Applicant, on December 28, 2007, filed a Certified Copy of the Swedish Priority Patent Application No. 0300741-6 filed March 16, 2003 and Applicant respectfully requests that the next written communication from the Office acknowledge receipt of Applicant's priority document.

The previous objection to claims 7 and 14 have been avoided by adopting the Examiner's suggested language as set forth on page 4 of the Office Action.

Reconsideration and withdrawal of the previous rejection of claim 2 under 35 U.S.C. 112, second paragraph is respectfully requested in view of the foregoing amendment to claim 2 deleting the allegedly objectionable subject matter and presenting such subject matter as a new dependent claim 17 dependent on claim 2. Accordingly, the preceding rejection of claim 2 is deemed moot.

Reconsideration of the previous rejection of claim 1 under 35 U.S.C. 102(b) as being anticipated by Moriau et al. (U.S. Patent No. 6,006,486) is respectfully requested in view of the following comments.

Applicants remind the Examiner of the Office's position regarding rejections based on anticipation as set forth in MPEP § 2131 which states, in relevant part:

> "A claim is anticipated only if each and every element as set forth in a claim is found, either expressly or inherently described, in a single prior art reference" (*citation omitted*).

Although it is not known whether the Examiner did not understand the claimed invention, or has misconstrued Moriau et al., it is clear that Moriau contains no subject matter similar to that claimed.

Although in each of Moriau et al. and the claimed invention there is a panel joint for positioning and holding panels together by their respective edges by providing means for mechanically locking the panels towards one another by interacting locking surfaces, there is absolutely no teaching in Moriau of "said edges further comprising friction enhancing means intended for impeding assembled panels from sliding in the direction along the edges" (emphasis added).

It is now known to those skilled in the art that the provision of mechanical locking means on the panels for locking the panels together to prevent both horizontal separation

or vertical separation is well-established in many published documents, such as the cited Moriau et al. patent, as well as those discussed in the instant Specification and evidenced by the documents cited in the Information Disclosure Statement previously filed.

However, notwithstanding these teachings that even when panels are assembled according to these prior art documents, the panels may still slide along the joint *i.e.* the panels slide even though mutually interlocked, in a direction along the edges. The Moriau reference does not even address this sliding motion, let alone provide friction enhancing means intended for impeding assembled panels from sliding in a direction along the edges as instantly claimed. While the Examiner appears, in the 35 U.S.C. 103(a) rejection of claims 2-6 and 14-16 of Moriau et al. in view of Palsson (to be discussed hereinafter), to equate the "rough surface" or the "friction enhancing material" to be the "tongue" 9 and "groove" 10 of Figure 22 of Moriau et al. and while such elements 9 and 10 of Moriau et al. are certainly "means for mechanically locking said panels towards one another by interacting locking surfaces" as also claimed in Applicants' independent claim 1, it is further stated that Applicants' invention contains "said edges further comprising friction enhancing means intended for impeding assembled panels from sliding in a direction along the edges" (emphasis added). Thus, while the mechanically locking means may be found in Moriau in the form of elements 9 and 10 as mentioned by the Examiner, there is no friction enhancing means as recited in Applicants' claims. Thus, it is clear that Moriau

cannot possibly act as an anticipatory reference for claim 1 under 35 U.S.C. 102(b). Withdrawal of the rejection is therefore respectfully requested.

Similarly, reconsideration of the previous rejection of claims 2-6 and 14-16 in view of the combination of Moriau et al. (noted above) in view of Palsson (International Publication No. WO 01/75247 under 35 U.S.C. 103(a) is respectfully requested.

As noted above, Moriau does not provide any friction enhancing means intended for impeding assembled panels from sliding in a direction along the edges. Thus, the Moriau reference cannot form the basis of a teaching reference which can be supplemented by Palsson.

This is clearly underscored by the Examiner's comments in paragraph 2(a) of the rejection regarding Moriau in which the Examiner attempts to equate the lacquer binding agent as a material which produces the friction enhancing means.

This is indeed erroneous insofar as Applicants' Specification shows that the friction enhancing means can be, in one embodiment, a rough surface. As specifically recited at page 4, line 7 *et seq*. of Applicants' Specification, wherein it is taught that "this rough surface may be achieved by wetting the predetermined surfaces of the edge with a liquid in cases where the core selected for the manufacturing of the panels is made of a wood-based material. The liquid will thereby cause the fibre of the core to rise… ." Thus, in attempting to meet this limitation the Examiner is equating lacquer, as being the

friction enhancing material. However, the friction enhancing means is not lacquer, but the fact that the fibre of the core has been caused to rise. There is no such teaching in Moriau, either expressly or inherently, that the fibre will rise if a material such as lacquer is applied. Although Applicants, in the present Specification, teach lacquer may be a binding agent to stabilize the risen fibre, there is no teaching even in Applicants' own Specification, which is not available for the Examiner to use, that lacquer will cause, either inherently or expressly, fibres to rise from a wood-based core. To the contrary, in the Moriau et al. reference teaching, it is his desire to provide a surface densifying agent and more particularly a surface hardening agent, column 13, lines 17-18 and not to enhance the friction of the joint that he mentions the use of lacquer. Accordingly, there is no teaching in Moriau of increasing the friction in order to prevent the assembled panels from sliding along the joint edge.

Palsson does not correct the foregoing deficiencies of Moriau.

While the Examiner has referred to Palsson's claim 2, as well as page 3, paragraph 5, Palsson does not teach providing edges with friction enhancing means, and certainly does not teach the recited features of previous claim 2 (now amended claim 2 and new claim 17) wherein the force needed to overcome static friction is larger than 100N per meters of joint length (claim 2) or in the case of claim 17 (1000N per meter of joint length). There is no disclosure in Palsson as to any of the limitations of the dependent

claims, such as providing the edges of the panels with a rough surface (claim 3) or creating the rough surface by wetting the predetermined surfaces of the edge with a liquid thereby causing fibre of the core to rise as in claim 4; or coating the surfaces with a high friction polymer as in claims 7-10 or providing the rough surfaces with particles bonded to the predetermined surfaces of the edges as in claims 11-13 or providing splines on the surface as in claims 14-15 or the jagged profile between predetermined surfaces of the edges as in claim 16. Accordingly, Applicants respectfully submit that the proposed combination of Moriau and Palsson does not establish a *prima facie* case of obviousness for the claimed invention and withdrawal of the rejection is respectfully requested.

Reconsideration of the previous rejection of claims 1, 2 and 7-10 under 35 U.S.C. 103(a) as being unpatentable over Colada et al. (U.S. Pub. No. 2003/0046891) in view of Palsson (International Publication No. WO 01/75247) (discussed above) is respectfully requested.

Although the Examiner attributes to Colada's edges a friction enhancing means (referring to first and second compressible regions 6310 and 6320, Fig. 29) the description of Fig. 29 at paragraph 0238 discusses how second plank 6520 is locked into first plank 6510 by means of the first compressible regions 6310 and 6320. Thus, like the discussion with Moriau the existence of a lock such as compressible region 6310 and 6320 does not also comprise the friction enhancing means as recited in Applicants' claim.

This can be appreciated, as clearly discussed by Colada at paragraph 0238, wherein the assembly of Fig. 29 is designed to allow for "lateral compensation" and lateral shifting after the assembly. This is in direct conflict with the claimed embodiment. Because this movement and compensation are permitted, the planks do not contain a friction enhancing means to prevent sliding as claimed. Thus, even though all of these lock materials may be compressible materials such as polyurethane, elastomeric foam, rubber, rubber foam or silicon rubber (paragraph 0235) as they are acting as the mechanical lock, they fail to meet the additional limitation of having means for increasing friction to prevent sliding of the assembled panels as in the claimed invention. Furthermore, with regard to claim 8 it is not necessarily obvious to use natural rubber merely because rubber foam or silicon rubber are mentioned as lock materials, especially insofar as the purpose of the rubber in Applicants' invention is as the friction increasing material, not necessarily as the locking means. In this regard, Applicants note that page 11, paragraph (f) of the rejection states that "constructing a joint with high separation force as taught by Palsson provides a stronger, more reliable connection between panels" (emphasis added) misses the point of the present invention. Applicants are not claiming means to prevent a separation force as alleged in the Office Action, but rather means to increase the friction perpendicular to the separation force *i.e.* increase the friction necessary to prevent the panels from sliding along the joint edge. While each of Palsson, and Moriau, as well as the present invention,

provides mechanical interlock to prevent the panels from separating, none of the cited references provide a means for a friction enhancement to prevent the panels from sliding along the joint edge. As explained in the opening pages of the Application, the sliding of a joint panels weakens the joint between the assembled panels. This is especially true where the sliding force along a long edge of a panel puts undo stress on the short edge of the panel and sliding will either misalign the panels and/or damage the joint along the short edge, when the friction enhancing means of the present invention is not present. Thus, for the foregoing reasons the proposed combination of Colada and Palsson still does not establish a *prima facie* case of obviousness for the claimed invention.

Reconsideration of the previous rejection of claims 11-13 under 35 U.S.C. 103(a) as being unpatentable over Moriau et al. (discussed above) in view of Palsson (discussed above) as applied to claims 2-6 and 14-16 above and further in view of Shimmin et al. (U.S. Patent 4,518,641) is respectfully requested.

Applicants incorporates by reference the deficiencies of Moriau alone and Moriau in view of Palsson (as discussed above).

Shimmin does not cure the foregoing deficiencies in the combination of Moriau and Palsson. While Shimmin is indeed directed to non-slip surface coatings (*e.g. See* Title) such coatings are for use in heavy industrial situations that was conceived in the context of off-shore oil platforms and to other situations, such as decorative and

prefabricated wall panels and other decorative surface coatings. *See* column 1, lines 6-11. However, there is no disclosure that the non-slip surface coatings of Shimmin have any utility other than on the surface on the decorative and prefabricated wall panels and other decorative surface coatings. By contrast, it is clear that the present invention is directed to increasing the friction in the joint parts between adjacent panels, so that slippage along the joint edge is prevented. The Examiner refers to nothing in Shimmin that would even address the problem of Applicant, let alone provide a solution such as that disclosed by Applicant's invention. Because neither Moriau et al. nor Shimmin et al. (nor Palsson) increase the friction of the joint edge so as to prevent slippage of the panels along the joint edge, these references are neither analogous, nor is there any need for Official Notice that sand particles have a higher hardness index than fiberboard, because Shimmin does not talk about the combination of sand particles and fiberboard.

In summary, the present application is nothing more than an agglomeration of discrete teachings, none of which address the central problem solved by Applicant and not even recognized by any of the cited prior art.

It was Applicant who realized that by preventing slippage along the joints, the joint could be made stronger and has disclosed various embodiments for increasing the friction in which to achieve the claimed invention. None of the cited prior art, even in retrospect,

teaches or suggests these claimed features and accordingly all the references fail to establish a *prima facie* case of obviousness for the claimed invention.

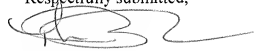
Accordingly, withdrawal of the rejection is therefor respectfully requested.

If any fees are necessary to make this response timely may be charged to the undersigned's **Deposit Account 19-4375**.

REQUEST FOR INTERVIEW

Applicant's representative has samples of the commercial embodiments of the Moriau patent which he would like to demonstrate in a personal interview with the Examiner to distinguish "separation forces" and "sliding forces". Accordingly, the undersigned will contact the Examiner to arrange such interview, but if the Examiner reaches the application for action before the interview is conducted, he is requested to contact the undersigned at his direct dial number 202.785.0181.

Respectfully submitted,



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